IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

ARBITRATION PETITION NO.33 OF 2007

Iqbal Vali Hafizi & 7 ors. Petitioners
vs.
Chittaranjan Damodardas Shah & anr. Respondents

Mr.Deepak Chitnis i/b.M/s.Deepak Chitnis Chiprikar & Co.
for the petitioners.

Mr.Denzil D'Mello for respondent no.1.

Mr.Pradip Sanceti, Mr.Riyaz Chagla and Mr.H.K.Sudhakara
i/b.M/s.Khaitan &Co. for respondent no.2.

Mr.Vikram Trivedi, Mr.D.Chaurasia & Mr.R.Boatwalkar
i/b.M/s.Manilal Kher Ambalal & Co. for purchasers.

CORAM : ANOOP V. MOHTA,J.

DATED : 17th April, 2007

P.C.

The parties have been trying to settle this matter since December 2006. On 13.4.2007 as parties have filed the Consent Terms on the record, this court has passed the following order:

. "There is a consent terms filed in this Petition signed by all the parties except one Mr.Sachin Shah of the beneficiary of respondent no.1,and petitioner nos.2 & 4 as they have signed through their Power of Attorney i.e. petitioner no.3. The consent terms is signed by the respective Advocates as well as the parties, as noted above. The parties have identified the persons who signed and there is no dispute abut the signatures of the respective parties and the beneficiaries. The consent

terms is taken on record and marked "X" dt.13/4/2007.

2. The undertakings given by the parties in Clauses 3(a), 17(c), 17(e), 17(g), 17(j), 17(m), 17(n), 17(o) and 17(p) are accepted.

3. S.O. to 16.4.2007.

4. At this stage, the learned counsel for the petitioners seeks amendment to the petition. By consent of the parties, amendment is granted. Amendment to be carried out during the course of the day."

2. On 16.4.2007 another order is passed which is reproduced below:

. "Pursuant to the order dated 13th April, 2007, the petitioners have carried out the amendment.

2. One of the beneficiary, respondent No.1 Mr.Sachin Shah, has signed the consent terms. He is present in the Court. There is no dispute about the signature or identification. The undertaking as recorded in Para 2 of order dated 13th April, 2007 is also accepted.

3. S.O. to 17/04/2007 H.O.B. for the Court Receiver's report."

3. The Court Receiver has filed his report on 17.4.2007 and submitted that presently after debiting the amount of Rs.46,185.50 ps. i.e. the amount towards all costs charges and expenses of Receiver, a sum of Rs.2,91,366.50 ps. is lying in credit of Arbitration Petition No.212/1996 between the same contesting partners excluding purchasers.

4. In view of this, the Court Receiver is directed to comply with clause (3) of the Consent Terms.

5. All disputes between the partners of M/s.Worli Enterprises stand resolved, in view of the consent terms dated 14.3.2007.

6. The present petition is also disposed of accordingly.

[ANOOP V. MOHTA,J.]